

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at GREENEVILLE

IN RE CHARLES FRANKLIN WYATT,

No. 2:11-MC-

Petitioner

MEMORANDUM AND ORDER

The court is in receipt of a completed “Uniform Affidavit of Indigency,” intended for use in the Criminal/Sessions Court for Sullivan County, Tennessee, and an attached letter motion for the appointment of counsel to assist Charles Franklin Wyatt, a Sullivan County prisoner, in filing both an AO-240 form (an application to proceed without prepayment of fees for a federal action) and amendments to a petition for habeas corpus relief under 28 U.S.C. § 2254. There are two problems with these filings.

First, petitioner does not indicate that he is illiterate and, apparently, he has filled out the enclosed Affidavit without the aid of a lawyer. Also, the answers contained in the Affidavit seem appropriate, except that petitioner’s Social Security Number should have been redacted before he submitted the document in federal court. At any rate, a state prisoner, with the exception of a death-sentenced inmate, is not entitled to appointed counsel to assist him in the manner here requested: to help him complete an *in forma pauperis* application. Petitioner should simply do his best in completing the AO-240 form because any filing by a *pro se* litigant will be viewed liberally by the Court.

Secondly, petitioner suggests that an attorney could also “file any amendments to this motion and petition.” (Petitioner’s Letter Motion, p. 2). However, while petitioner indicates that he intends

to file a habeas corpus petition, as well as a civil rights complaint under 42 U.S.C. § 1983, he has yet to do so.

According to the motion, petitioner is in possession of an AO-240 form, but there is no indication that he has the proper forms for filing a § 1983 complaint or a § 2254 petition, much less the *in forma pauperis* motion which must accompany a habeas corpus petition.

Therefore, given the indication that petitioner wishes to file these types of actions, the Clerk is **DIRECTED** to send petitioner those preprinted forms. Finally, petitioner is **ADVISED** that, unless, within thirty days from the date on this order, he submits a completed petition and/or complaint and tenders the appropriate filing fee for each case he files¹ or submits a completed application to proceed *in forma pauperis* for each case, this action will automatically be dismissed without further notice.

ENTER :

s/J. RONNIE GREER
UNITED STATES DISTRICT JUDGE

¹ The filing fee for a habeas corpus petition is \$5.00; for a civil rights action, it is \$350.00.